

DAVIE AGRICULTURAL ADVISORY BOARD
SEPTEMBER 17, 2001
6:30 P.M.

1. ROLL CALL

The meeting was called to order at 6:45 p.m. Board members present were Chair Julie Aitken, Vice-Chair Jason Hurley and Hilda Testa. Also present was Board Secretary Jenevia Edwards recording the meeting. Barbara Spiece was absent.

Ms. Testa recommended Patricia Seville for the Board. She indicated that Ms. Seville had an agricultural exemption and had on ongoing problems with Property Appraiser William Markham regarding this. Chair Aitken suggested that the Board defer to Council member Clark for further suggestions.

Chair Aitken asked if there were any objections to the agenda being taken out of order. There were no objections.

2. DISCUSSION

2.1 Discuss Draft of Ordinance for Open Space Zoning
This item was discussed later in the meeting.

3. OLD BUSINESS

Chair Aitken began the discussion regarding Section 12-34(B). Ms. Testa stated that her father and others had concerns with Section 12-34(B). Chair Aitken explained that last year the Town passed the Farm Amendment. She advised that farmers were exempt from all land development regulations, which also included building permits, building codes, sign permits, occupational license fees and zoning. Chair Aitken added that Chapter 163 of the Florida Statute mandated comprehensive plans in every county and municipality. She stated that agriculture was not considered land development according to Chapter 163; therefore it was exempt from all land development regulations. Chair Aitken explained what a non-residential farm was and clarified the Town's definition of farm building, farm machinery, animals and livestock. Chair Aitken advised that Broward County followed suit after the Town passed the amendment.

Ms. Testa asked if there was a State mandate that would have a municipality amend its law to comply with State law. Chair Aitken explained that if challenged in court, the State law preempted everything below it. Vice-Chair Hurley stated that the Town would lose in court.

Chair Aitken indicated that when the Farm Amendments were passed, Section 12-34(B) was missed. She had met with Town Administrator Thomas Willi and Development Services Director Mark Kutney to point this out. The Board was in agreement that Section 12-34(B) should be amended. Chair Aitken explained that this item had been tabled by the Planning and Zoning Board. Vice-Chair Hurley asked why this had been presented to the Planning and Zoning Board. Chair Aitken responded that was where staff placed it and expressed the opinion that she felt it was a stall tactic. The Planning and Zoning Board stated that it wanted to have Section 12-34(B) reviewed by the Town Attorney and to ask for an Attorney General's Opinion. The Planning and Zoning Board then tabled the item. Chair Aitken advised that Town employees did not have the authority to ask for an Attorney General's Opinion.

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Chair Aitken explained that the Planning and Zoning Board had been asked to rule on the deletion of Section 12-34(B). She added that the Planning and Zoning Board recommended the Town Attorney and staff each write a revision to Section 12-34(B) which would be placed on the Council agenda for October.

Chair Aitken indicated that she planned to send a letter to Council requesting that it move forward with the removal of Section 12-34(B). She expressed concern that if this was tabled for a third time, it could not be brought up again for a long period of time. Chair Aitken advised that she had written a letter to the Mr. Willi asking why this item went to the Planning and Zoning Board; however, she had not received an answer. Vice-Chair Hurley commented that perhaps the Planning and Zoning could refer this item to Council. Chair Aitken explained that the State was protecting the land that was preserved by the farmers and that there were sections of Section 12-34(B) that limited the amount of livestock per acre. Vice-Chair Hurley stated that this was a violation of the law. Chair Aitken responded that under the Right to Farm Act, farmers did not have free reign. She added that agriculture was allowed in all zoning districts and there were some restrictions in the Right to Farm Act. Chair Aitken explained that changing the level of operation did not protect the farmer.

Chair Aitken spoke of a presentation made by Jason Curtis to the Community Relations Advisory Board asking that Board to act as mediators for the Davie Agricultural Advisory Board.

Vice-Chair Hurley made a motion, seconded by Ms. Testa, to invite Arthur Hurley to a meeting with Town Attorney Monroe Kiar, Chair Aitken and/or an appointee from the Board to a meeting regarding the revision of Section 12-34(B). In a voice vote, with Ms. Spiece being absent, all voted in favor. **(Motion carried 3-0)**

Chair Aitken explained that the best way to preserve the rural character of the Town was to preserve farms. Vice-Chair Hurley questioned how information would get back to Council from the Planning and Zoning Board. A brief discussion followed with Chair Aitken commenting that she was not sure of the procedures involved, but final decisions were determined by Council. She reiterated that she was concerned as to the outcome if the item was tabled for the third time. Chair Aitken presented a draft letter for the Board's review concerning the deletion of Section 12-34(B) and recommended that a new version be adopted simultaneously so that there would not be a gap.

Vice-Chair Hurley made a motion, seconded by Ms. Testa, to adopt the letter and forward it to the Town Council. In a voice vote, with Ms. Spiece being absent, all voted in favor. **(Motion carried 3-0)**

Chair Aitken expressed the opinion that she felt that Council was very sympathetic to the Board's cause.

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2. DISCUSSION

2.1 Discuss Draft of Ordinance for Open Space Zoning

Chair Aitken stated that an ordinance had to state a purpose and presented a draft of an informational outline of an ordinance for open space zoning. She indicated that the Board should begin first with the intent of the ordinance.

Ms. Testa asked who paid for maintaining roads and utilities and the maintenance of amenities in a development. Chair Aitken responded that she was not sure. She added that the most important purpose was the mandate by the Charter. Ms. Testa asked about the wording of the Charter which Chair Aitken explained, adding that due to past mistakes of E-zoning, the Board was attempting to eliminate any loopholes. Ms. Testa stated that the difference should be clearly indicated and that open space be defined. Chair Aitken explained that open space was divided into different segments such as green space and community space.

3. OLD BUSINESS

This item was discussed earlier in the meeting.

4. NEW BUSINESS

There was no new business to discuss.

5. COMMENTS AND/OR SUGGESTIONS

There were no comments and/or suggestions.

6. ADJOURNMENT

There being no objections and no further business to discuss, the meeting adjourned at 9:15 p.m.

Date Approved

Chair/Board Member

